



Appeal Decision

Site visit made on 15 November 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/W2465/D/21/3276977
136 Brandon Street, Leicester LE4 6AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Shaheen Abdulla against the decision of Leicester City Council.
 - The application Ref 20210878, dated 12 April 2021, was refused by notice dated 8 June 2021.
 - The development proposed is a single storey rear extension and alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. The parts of the Framework most relevant to the Council's reason for refusal, and therefore this appeal, have not been significantly amended. As a result I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

3. The main issues are the effect of the proposed extension on living conditions:
 - For occupiers of the neighbouring property at No 134 Brandon Road, with particular regard to outlook from that rear garden; and
 - For occupiers of the appeal property, with particular regard to the provision of private amenity space.

Reasons

Rear garden of No 134 Brandon Street

4. The appeal relates to a mid-terrace house in a densely-built residential area dominated by similar properties. I saw on my site visit that houses in the same terrace, and those on Burfield Street backing onto the appeal site, have two storey rear outriggers; many also have single storey ground floor extensions projecting beyond their outrigger. However, neither No 136 nor the adjoining

- property to the west No 134 have such extensions, although the appeal property does have three small outbuildings attached to the rear of the house.
5. The proposal is to erect a single storey extension at the rear of the appeal property. It would extend approximately 4m beyond the rear wall of the outrigger, replacing the existing outbuildings, and would be approximately 3m wide. It would have a monopitch roof, measuring around 2.6m to the eaves and around 3.4m to the ridge, which would be on the boundary with No 134.
 6. As a consequence of No 134 lacking any extension beyond the outrigger its rear garden, although small and close to the neighbouring buildings to the west, north and east, has by the standards of the area a relatively open feel. The existing outbuildings at the appeal property back onto the rear garden of No 134 but, because they are relatively modest structures, they do not have a significant impact on the outlook. However, the proposed extension at the rear of No 136 would be both taller and longer than the existing outbuildings. As a consequence of its size and siting it would be a dominant feature which would harmfully diminish the outlook from the rear garden of No 134. For the same reasons, although daylight and sunlight reaching the garden of No 134 are already likely to be limited by the surrounding buildings, these would be reduced still further by the development.
 7. I conclude that the proposed extension would cause significant harm to living conditions for the occupiers of No 134. The proposal therefore conflicts with Saved Policy PS10 of the 2006 Leicester Local Plan ("the LLP"), which among other things seeks to ensure that development does not have a harmful effect on amenity for existing or future residents.

Private amenity space for No 136 Brandon Street

8. The existing rear garden of the appeal property measures approximately 28.5m², which would be reduced to around 19.8m² by the proposed extension. These figures are by the Council's calculation, although they have not been disputed by the appellant. In its "design guide for house extensions" section, the Council's 2008 *Residential Amenity* Supplementary Planning Document ("the SPD") recommends a minimum rear garden area of 75m² for a two-bedroom house. of private amenity space per dwelling. It also advises that "in any event, no more than 50% of the existing rear yard or garden area should be covered by extensions".
9. The existing rear garden of the appeal property already falls a long way short of the minimum area sought by the SPD, and the proposed extension would reduce the available private amenity space even further. However, on my reading the SPD clearly anticipates that it will not be possible to provide this minimum area in every case, and the 50% coverage criterion would still be complied with. There would also be benefits to the occupiers of the appeal property in replacing the existing outbuildings, which I saw were in a poor condition, with more useful space.
10. In the circumstances, I consider that the proposed extension would not be harmful to living conditions for the occupiers of the appeal property, in line with the aims of the SPD. I therefore conclude that, in this respect, the proposal would comply with Policy CS03 of the 2014 Leicester Core Strategy, and Saved Policy PS10 of the LLP, which together seek to promote good quality design and protect residential amenity.

Other Matter

11. The appellant's statement drew my attention to rear extensions on houses very close to the appeal site. I saw on my site visit that some of these are similar in size and appearance to that proposed in this case. The appellant therefore suggested that such extensions are part and parcel of the area's character. Based on what I saw on my site visit I do not disagree, and I note also that the Council did not refuse planning permission because of the scheme's effects on the character or appearance of the area. In this case, No 134 appears to be relatively unusual in not having any form of extension beyond its rear outrigger and, because of this, the harm arising to its rear garden from the appeal proposal would be greater than might otherwise have been the case. A lack of harm in respect of the character and appearance of the area does not outweigh or negate the other harm I have found.

Planning Balance and Conclusion

12. The development would not lead to an unacceptably harmful reduction in private external amenity space for the occupiers of the appeal property. However, the proposed extension would cause unacceptable harm to living conditions for occupiers of the neighbouring property at No 134 Brandon Street, and so would conflict with the development plan taken as a whole.
13. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector